

Message Text

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ORIGIN MC-02

INFO OCT-01 ARA-16 ISO-00 PM-07 DODE-00 EB-11 NSAE-00

RSC-01 TRSE-00 AEC-11 CIAE-00 COME-00 FAA-00 DOTE-00

L-03 JUSE-00 /052 R

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DESIRED DISTRIBUTION

US CUSTOMS SERVICE, OFFICE OF INVESTIGATIONS FOR MIAMI

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P 172023Z MAY 74

FM SECSTATE WASHDC

TO AMEMBASSY KINGSTON PRIORITY

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E.O. 11652:N/A

TAGS: MILI

SUBJ: UNAUTHORIZED EXPORT UNITED STATES MUNITIONS LIST
AIRCRAFT

1. U.S. CUSTOMS SERVICE, MIAMI ADVISES DEPT THAT A26B
AIRCRAFT, SERIAL NUMBER 29149, FAA REGISTRATION NUMBER
N320, DETAINED AT NORMAN MANLEY INTERNATIONAL AIRPORT,
KINGSTON BY GOJ AUTHORITIES. AIRCRAFT REPORTEDLY DEPARTED
FT. LAUDERDALE, FLORIDA ON OR ABOUT MAY 9 DESTINED FOR
CARTAGENA, COLOMBIA. ALLEGEDLY, AIRCRAFT OWNED BY TURIA
INVESTMENT CORP, 2167 N.E. 56TH PLACE, FT. LAUDERDALE AND
PILOTED BY A PHILIP A. KEIDAISH.

2. DEPT'S OFFICE OF MUNITIONS CONTROL (PM/MC) HAS NOT
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ISSUED THE REQUISITE AUTHORIZATION TO EITHER TURIA INVEST-

MENT OR KEIDAISH TO EXPORT AIRCRAFT: SEE 10 FAM 180, APPENDIX A, SECTION 123. KEIDAISH RETURNED TO MIAMI MAY 14 AND, PURSUANT TO WARRANT ISSUED MAY 13, BROUGHT BEFORE MAGISTRATE AND CHARGED WITH VIOLATION OF 22 U.S.C. 1934. KEIDAISH RELEASED ON 5,000 DOLLAR OWN RECOGNIZANCE BOND.

3. DEPUTY POLICE COMMISSIONER NEVILLE ERNANDEZ INFORMALLY ADVISES THAT GOJ HAS NO GROUNDS FOR HOLDING AIRCRAFT SHOULD SOMEONE WITH AUTHORIZATION FROM OWNER SEEK TO TAKE POSSESSION AND FLY AIRCRAFT FROM JAMAICA. THEREFORE,

YOU ARE REQUESTED TO APPROACH GOJ AT APPROPRIATE LEVEL AND:

- A. ADVISE GOJ THAT AIRCRAFT EXPORTED FROM U.S. IN VIOLATION OF U.S. STATUE;
- B. REQUEST THAT AIRCRAFT BE RELEASED ONLY TO PERSON(S) EXHIBITING PROPER AUTHORIZATION FROM USG.

4. BASED ON CONVERSATION BETWEEN DEPT OFFICER AND DEPUTY COMMISSIONER ERNANDEZ, WE ANTICIPATE THE GOJ WILL REQUEST USG INDEMNIFICATION AGAINST ANY POSSIBLE CLAIM BY AIRCRAFT OWNERS FOR CONVERSION OF THEIR PROPERTY. WHILE WE LACK AUTHORITY TO MAKE OPEN ENDED GUARANTEE, EMBASSY MAY ASSURE GOJ THAT USG WOULD DEFEND AGAINST ANY SUCH CLAIMS AND WOULD HOLD GOJ HARMLESS TO FULLEST EXTENT PERMITTED BY US LAW.

(FYI: IN ORDER FOR US FUNDS TO BE AVAILABLE TO PAY A SUCCESSFUL CLAIM BY AIRCRAFT OWNER, IT WOULD BE NECESSARY THAT USG BE JOINED AS DEFENDENT IN PROCEEDINGS AGAINST GOJ. WE ASSUME THIS COULD BE ACCOMPLISHED UNDER JAMAICAN JUDICIAL PROCEDURES. END FYI)

5. DEPT IS EXPLORING WITH JUSTICE DEPT POSSIBILITY OF SUIT AGAINST AIRCRAFT OWNERS IN US COURT THAT WOULD DETERMINE USG RIGHTS PRIOR TO RETURN OF AIRCRAFT. IF SUCCESSFUL, SUCH A JUDICIAL DETERMINATION WOULD MINIMIZE LIKELIHOOD OF FUTURE CLAIMS AGAINST GOJ OR USG. IMMEDIATE PROBLEM HOWEVER IS TO OBTAIN INFORMAL GOJ COOPERATION TO PREVENT REMOVAL OF AIRCRAFT BY OWNERS TO ANOTHER JURISDICTION. RUSH

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